

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

CRIMINAL NO. 1:12-CR-58

v.

(Chief Judge Conner)

AZIM WAZIR SHOWELL

:

ORDER

AND NOW, this 9th day of August, 2016, upon consideration of the plea agreement (Doc. 408) entered by and between defendant Azim Wazir Showell (“Showell”) and counsel for the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), wherein all parties observe and agree that, during pendency of Showell’s appeal before the United States Court of Appeals for the Third Circuit, the government disclosed after-discovered evidence to Showell, resulting in remand by the Third Circuit “during the pendency of any additional proceedings related to the new evidence,” Order, United States v. Showell, No. 15-1120 (3d Cir. Mar. 16, 2016), ECF No. 003112234820, and further observe and agree, pursuant to Federal Rules of Criminal Procedure 11(c)(1)(C) and 33, that: *first*, Showell shall plead guilty to Count I of the superseding indictment (Doc. 107), charging him with conspiracy to distribute cocaine, heroin, and twenty-eight grams and more of cocaine base, (Doc. 408 ¶ 1); *second*, that Showell shall receive a sentence of seventy (70) months imprisonment on Count I, followed by four years of supervised release, as well as a fine of \$600 and special assessment of \$100, (id. ¶ 10); *third*, that Showell’s judgment of conviction and sentence (Doc. 330) on Count I shall be vacated conditionally upon the court’s acceptance of Showell’s guilty plea, (Doc. 408 ¶ 2); and *fourth*, that, upon

sentencing on Count I, Showell's judgment of conviction and sentence (Doc. 330) on Counts II, IV, VIII, IX, and X shall be vacated and said counts shall be dismissed, (Doc. 408 ¶¶ 3, 10), and further upon consideration of Showell's entry of a guilty plea (Doc. 413) to Count I and sentencing thereupon, during which proceedings the court found the sentence proposed jointly by the parties to be reasonable and appropriate and accepted same, see FED. R. CRIM. P. 11(c)(1)(C), it is hereby

ORDERED that:

1. Showell's judgment of conviction and sentence (Doc. 330) on Count I is VACATED, consistent with the plea agreement (Doc. 408) and the guilty plea (Doc. 413) entered on today's date.
2. Showell's judgment of conviction and sentence (Doc. 330) on Counts II, IV, VIII, IX, and X are VACATED. Counts II, IV, VIII, IX, and X of the superseding indictment (Doc. 107) are DISMISSED.
3. Showell's motion (Doc. 389) for release pending appeal is DENIED as moot.
4. The Clerk of Court shall transmit a copy of this order to the Office of the Clerk, United States Court of Appeals for the Third Circuit.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania